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TAGS: [PREL](#) [PTER](#) [UNSC](#) [LE](#)
SUBJECT: LEBANON TRIBUNAL: DUTCH SHARE NEW IDEA FOR
RELOCATING JUDGES

REF: A. USUN 241

- [1](#)B. USUN 224
- [1](#)C. USUN 71
- [1](#)D. STATE 1070
- [1](#)E. STATE 10709
- [1](#)F. USUN 109
- [1](#)G. USUN 104
- [1](#)H. USUN 220

Classified By: Amb. Alejandro D. Wolff, for reasons 1.4(b) and (d).

[1](#)1. (U) This is an action request; please see para 10.

[1](#)2. (S) BEGIN SUMMARY: The Management Committee for the Special Tribunal for Lebanon (STL) is considering when the judges should hold their first meeting to begin preparing the rules of procedure and evidence. Committee members acknowledge that the decision, once made, will trigger significant financial and security consequences, since the UN Department of Safety and Security (DSS) contends that the Lebanese judges will not be able to return to Lebanon after that meeting. Although the Committee has made no decision, members are discussing the possibility of holding the meeting as early as September/October. On April 25, the Lebanese told Committee members they are finalizing plans to establish a blind trust to provide the "risk allowance" that the Lebanese judges have requested (reftels), and the Dutch advised members of their new proposal for identifying and securing housing for the Lebanese judges in the Netherlands. END SUMMARY.

Lebanese Preparing to Proceed on Risk Allowance

[1](#)3. (C) Lebanese DPR Caroline Ziade told STL Management Committee members on April 25 the Lebanese plan to write to the Committee this week, advising that the Lebanese plan to set up a blind trust to administer an allowance to be paid to compensate the Lebanese judges for the security risks they will assume. The Lebanese government will make a lump sum payment into the trust before the judges assume office and will have no subsequent control over the funds. The trust will then make monthly payments to the judges. PM Siniora will sign the letter, and then Lebanese PR Salam will likely transmit it to UK PermRep Sawers, in the UK's capacity as Chairman of the Management Committee.

[1](#)4. (C) The Committee would then take note of the letter, either through a formal decision or in the Committee's minutes. In connection with the Committee's consideration of the matter, David Veness, Under-Secretary General for Safety and Security (DSS), will brief the Management Committee on May 1 on the security risks facing the STL judges in general and the Lebanese judges in particular.

15. (C) Assistant Secretary-General Larry Johnson said UN Legal Counsel Michel would not provide a legal opinion concerning the blind trust since the STL is not a UN organ and the Secretariat views the arrangement as falling outside the UN's responsibilities. Michel had made it clear that, as long as the Lebanese make a lump-sum payment to the blind trust before the judges assume office and do not have any subsequent control over the funds, he did not believe the fund raised any issues for the Committee, Johnson said. Several Committee members then asked if Michel could reiterate his views to the Committee, noting that it would be useful to have a record of OLA's views in case the defense challenges the blind trust arrangement. Johnson remained non-committal and said he would get back to the Committee.

Dutch Propose New Approach for Judges' Housing

16. (S) Dutch Mission Legal Adviser Brechje Schwachofer told Committee members on April 25 that the Dutch have consulted extensively with security staff of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the UN's Department of Safety and Security (DSS) on a plan for arranging housing for the Lebanese judges in the Netherlands.

The entire process will take 20 weeks, Schwachofer said, providing just enough time to prepare if the Committee decides to convene the judges in September/October. (Note: DSS has advised that the Lebanese judges will have to be relocated once they leave Lebanon for the first meeting of the judges, which has not yet been scheduled. End Note.)

17. (S) Once they have identified four suitable apartments, the Dutch propose to send information about them to the UN Office of Legal Affairs. OLA would then pass the information to the seven Lebanese judicial finalists, ask them to select their preferences, and convey the actual nominees' choices to

the Dutch. OLA would not provide the Dutch with the judges' identities. The registrar, or another appropriate STL official, would then sign leases and the Dutch would refurbish them to "a very, very high level," Schwachofer said. Shortly before the judges arrive, the Dutch would make any additional upgrades needed to reflect individualized risks if the UN is able to share information on the judges' identities. Although the Dutch would pay for the security upgrades, the STL or the judges would have to cover the rent payments while the renovations are completed, Schwachofer said.

18. (S) Schwachofer asked Committee members to comment on the proposal soon, noting that it is not acceptable, the Dutch would then have to choose apartments for the judges without consulting them. USUN asked whether the Dutch had discussed the potential security risks of their approach with the Lebanese and shared Washington's view that the safest option would be to have the Dutch should select apartments for the judges. Schwachofer said she did not know whether the Dutch had discussed their proposal with Lebanese security officials but agreed to seek clarification.

19. (S) Schwachofer also said the Dutch still had not identified any short-term accommodations for the Lebanese judges if their identities leak and they have to be relocated from Lebanon. Ziade and Johnson both stressed that the security climate for the Lebanese judges is becoming more dangerous, noting that the mountain home of Judge Ralph Riyachi, who had negotiated the STL Agreement with the UN on Lebanon's behalf, was vandalized last week. Riyachi's apartment in Beirut had been vandalized on two other occasions, Johnson said.

110. (S) BEGIN ACTION REQUEST: USUN would be grateful for an update on whether the U.S. would be able to provide emergency accommodations for the Lebanese judges should their names leak (ref A). The UK and French missions have advised USUN that their governments cannot do so. USUN also requests guidance as soon as possible on the Dutch proposal. END

ACTION REQUEST.
Khalilzad